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FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Nikita R. Veniaminov	Steven J. Shumaker
COMPANY:	DATE:
U.S. Patent & Trademark Office	JUNE 3, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-872-9306	9
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
703-605-0210	1065-011US04
RE:	YOUR REFERENCE NUMBER:
Request for Status	09/702,002

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS:

~~PATENT~~ OFFICIALIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	George M. Johnson; Ross Tsukashima; Gerard von Hoffmann; John T. Kilcoyne; Mathew T. Yurek; Scott Harris	Confirmation No.	7813
Serial No.:	09/702,002		
Filed:	October 30, 2000	Customer No.:	28863
Examiner:	Nikita R. Veniaminov		
Group Art Unit:	3736	Docket No.:	1065-011US04
Title:	METHOD AND DEVICE FOR TREATING GASTROESOPHAGEAL REFLUX DISEASE		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on June 3, 2004.

By: Shirley A. Betlach
Name: Shirley A. Betlach

REQUEST FOR STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On March 17, 2003, Applicants submitted a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 C.F.R. 1.181(a). A copy of the Petition, including a certificate of mailing, and a copy of a postcard indicating the USPTO's receipt of the Petition on March 21, 2003, is attached to the communication.

Upon receiving no reply to the Petition, Applicants filed a Status Inquiry on November 5, 2003. Having received no reply to the Petition and Status Inquiry, Applicants filed another Status Inquiry on May 26, 2004. In addition, the undersigned contacted Examiner Veniaminov by telephone on June 1, 2004 to inquire about the status of the Petition. Examiner Veniaminov indicated that, according to the PALM system, the application file was located with a Special Program Examiner, and had been located there since November of 2003. Examiner Veniaminov further indicated that he would request delivery of the application and inspect the file to ascertain

Application Number 09/702,002
Request for Status dated June 3, 2004

the status of the application. The undersigned contacted Examiner Veniaminov again on June 3, 2004 to inquire about the application. The Examiner indicated that the file had not yet been located, and that he had requested a search for the file. The undersigned agreed to call the Examiner again during the week of June 7, 2004, for a status update.

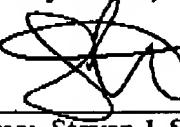
Applicants appreciate the Examiner's cooperation and efforts in locating this application. However, Applicants are concerned with the passage of time since the submission of the Petition, and respectfully request that the USPTO make all due efforts to locate the application file and promptly act on Applicants' Petition so that prosecution may recommence in this application.

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

June 3, 2004

By:


Name: Steven J. Shumaker
Reg. No.: 36,275

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UTILITY/DESIGN PATENT

(miscellaneous)

Date: 3-17-03

Date of O.A.: 2-6-03

Rec'd in the U.S.P.T.O. on the date stamped hereon via Certificate of Mail:
 Atty. Dkt. # Endorse 02363 AN 09/16/2002 Filed: 10-30-00
 Pat. # Issued: MAR 21 2003 Atty: JZH
 Extr. Ven. and Mkt. Unit: 37363 Batch: Re-Exam #
 Title: Medical Device for... Applicant: Johnson, et al
 VERIFIED BY: Asst: Devani G Quality Control: JHS

Petition To Withdraw Holding of Abandonment Based on Failure to Receive
 Office Action Under 37 C.F.R. §1.81(a). (2 pages)

Declaration of James W. Hill, M.D. (3 pages)

Copy of Power of Attorney filed April 12, 2001 (2 pages)

Copy of Notice Regarding Power of Attorney mailed August 3, 2001 (1 page)

Check in the amount of \$130.00 for Petition fee.

Return Postcard

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